



**Town of Tyngsborough
Board of Appeals**
Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Minutes from August 11, 2005.

Members Present: Gary Ralls, Robb Kydd, Eileen Farrell, Claire Cloutier, and Cheryl Bradley.

1st Hearing:

Atty. Doug Deschene representing Merrimac Landing Realty Trust, 91 & 95 Middlesex Rd. Assessors Map 27, Parcel 2-1 & Map 27, parcel 2. Applicants request to amend original application on a Comprehensive permit previous granted, applicant wants to change the layout of rental units from garden style apartments to townhouse style rental units. All other terms of the Comprehensive Permit will remain the same and no additional waivers are needed. I-1Zone.

Legal notice read. Advertised in the Lowell on July 18 & August 4, 2005. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list by Farrell. Seconded by Kydd. Vote 5-0. Application read.

Application presented by Doug Deschene.

Letters read into the record were Conservation letter dated August 8, 2005 and Tyngsborough Community Housing Partnership dated August 10, 2005.

Atty. Lisa Mead representing the ZBA members.

A lot of discussion of the new proposal of changing the layout of rental units from the garden style to townhouses. Question on the amount of green space and discussion of the height of the buildings, which will be lower.

Richard Lemoine for Tyngs. Community Housing Partnership spoke briefly of the changes and stated that the committee is in favor of this change.

Motion to continue hearing to October 13, 2005 by Kydd. Seconded by Farrell. Vote 5-0.

Applicants will be submitted a whole new plan for review and will be approaching other boards as necessary.

Steven & Donna Deschenes, 31 Elm St., Assessors Map 31b, parcel 23 request special permit and variance to re-construct existing dwelling. R-1 Zone, section 2.12.50, 2.15.24.

Legal notice read. Advertised in the Lowell on July 18 & August 4, 2005. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list by Farrell. Seconded by Kydd. Vote 5-0. Application read.

Application presented by Atty. Doug Deschene, Steve and Donna Deschene.

Approx. 3 abutters were present to speak in favor of the application. The applicant presented approx. 13 letters from abutters who signed letters stating that they are in favor of the application.

Pictures were presented to the board showing houses in the area.

Motion to close the public portion by Kydd. Seconded by Cloutier. Vote 5-0.

Motion to approve the special permit and variance by Kydd. Seconded by Cloutier. Vote 5-0.

Salvatore Lupoli DBA Sal's Realty, LLC, Westford Rd., Assessors Map 21, parcel 2F, request for variances for minimum lot area, front, and side yard set backs for the construction of a restaurant. I-1 Zone, section 2.12.50.

Received fax on August 11, 2005 from Atty. Douglas Hausle, regarding to continue hearing due to a scheduling conflict

Motion to continue hearing to Sept. 8, 2005 by Kydd. Seconded by Farrell. Vote 5-0.

Other Business:

Walter Ericksen- was present to update board of Maple Ridge project.

Motion to approve minutes from July 21, 2005 by Cloutier. Seconded by Kydd. Vote 5-0.

Motion by Cloutier to appoint Robb Kydd as Chairman. Seconded by Ralls. Vote 5-0.

Motion by Farrell to appoint Gary Ralls as Vice-Chairman. Seconded by Kydd. Vote 5-0.

Motion by Ralls to appoint Cheryl Bradley as Clerk. Seconded by Kydd. Vote 5-0

Motion to adjourn by Kydd. Seconded by Cloutier. Vote 5-0.